

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DEBORAH LEBEL,

Plaintiff,

vs.

MICHAEL CHERTOFF, Secretary of the
Department of Homeland Security,

Defendant.

CASE NO. 00cv1216-LAB

ORDER RE RESPONSE

In response to the court's Order requiring the parties to meet and confer regarding plaintiff's January 2008 contention defendants failed to fulfill certain provisions of the parties' March 2002 Settlement Agreement in this action, they have filed a Joint Submission. They explain the nature of the controversy surrounding agency review of its handling of plaintiff's workers' compensation claims giving rise to her original Complaint and certain logistical problems associated with obtaining the documentation necessary to make computations necessary to fulfill the Settlement Agreement terms plaintiff contends were not fulfilled so long after the fact.

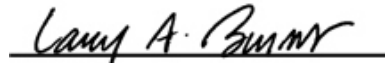
The undersigned District Judge presided over the settlement negotiations while serving as a Magistrate Judge, and retained jurisdiction to arbitrate any disputes arising from the Settlement Agreement, with the consent of the parties. The parties inform the court they are in the process now of gathering the necessary documentation, to the extent it may still exist. Defendant will review those documents to ascertain whether the agency correctly

1 reported plaintiff's injuries and income, and will communicate its position to plaintiff in writing
2 thereafter, followed by another meet and confer conference to determine whether plaintiff
3 still desires the court's review of any disparities in their positions. If so, the parties propose
4 to obtain a briefing schedule from the court for submission of their respective positions for
5 its decision.

6 The Joint Submission permits the inference the process of ascertaining whether court
7 intervention is desired may reasonably be completed by mid-April 2008. In consideration of
8 the fact the settlement in this action occurred six years ago, defendant's relevant review and
9 calculation obligations under the Settlement Agreement were to have been performed within
10 six months of the execution of the Settlement Agreement, and plaintiff has approached the
11 court so belatedly, **IT IS HEREBY ORDERED** the parties shall inform the court on or before
12 **April 21, 2008** whether they have an actual dispute arising from the Settlement Agreement
13 or not. If so, the court will accept the parties' briefing of their respective positions according
14 to a schedule to be established in a telephonic conference with chambers, and will resolve
15 their dispute, at which time it will terminate any continued jurisdiction over the matter. If not,
16 the court will terminate its previous retention of jurisdiction over implementation of the terms
17 of the Settlement Agreement in consideration of the narrow and precise scope of the
18 agreement terms that ought long ago to have been resolved.

19 **IT IS SO ORDERED.**

20 DATED: March 4, 2008

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22 **HONORABLE LARRY ALAN BURNS**
23 United States District Judge
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